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REMARKS

In response to the various paragraphs of the Office Action, Applicants offer the following remarks:

(2) Format. Pursuant to the Examiner's request, Applicants have now shown claims 31-32, previously entered on June 21, 2002, in a proper format for a Reissue application. These claims (as newly added claims) are enclosed as an attachment under separate cover.

(3) Concurrent Proceedings. The Examiner is already aware of the parent Reissue application and Divisional Reissue applications that are concurrently proceeding through the Patent Office with this Divisional Reissue application.

(4)-(5) Declaration. A Substitute Declaration, updating the errors corrected, is enclosed, as requested by the Office.

(6) Surrender of Patent. The original patent was surrendered to the Office in the copending Reissue application, serial no. 09/588,364, on November 22, 2002.

(7)-(8) Double Patenting. The Office has rejected claims 31-32 because they claim the same invention as that of claims 1-12, 36-37 of copending Reissue application, serial no. 09/588,364. Applicants

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respectfully submit that claims 31-32 include features not found in claims 1-12, 36 and 37 of the copending Reissue application and, therefore, cannot be the same invention for the reasons set forth below.

Amended Claim 31 now includes the following features:

- a data zone having pits...
- portions of the reflective layer being **trimmed by a laser**
- the markings form a barcode pattern... and are formed on the pits functioning as a track on the optical disk.

Amended Claim 32 now includes the following features:

- forming, on a substrate, a data zone having pits...
- **trimming by a laser** the reflective layer to form markings on the pits functioning as a track on the optical disk, wherein the markings form a barcode pattern...

Claims 1-12, 36 and 37 of the copending Reissue application each includes features not found in either claim 31 or 32 and, therefore, are not identical inventions, as follows:

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Claim 1 of the copending Reissue application includes at least two features not found in claim 31 or 32, namely "marking position detection means" and "position information output means." Moreover, claim 1 includes "marking forming means for applying at least one mark to the reflective film". Claim 31, on the other hand, includes "portions of the reflective layer being **trimmed by a laser**" and "the markings form a barcode pattern...and are formed on the pits functioning as a track". Claim 31 does not have identical subject matter as claim 1 and, thus, is not the "same invention" as claim 1.

Claims 2-11 of the copending Reissue application depend from claim 1 and include additional features that limit claim 1. Consequently, claim 31 cannot be the same invention as claims 2-11 for at least the same reasons set forth above.

Claim 12 of the copending Reissue application includes "laminating two disks together" and "trimming the reflective film to form at least one marking on the reflective film of the laminated disks." Claim 32, on the other hand, does **not** include laminating two disks together, and includes "trimming **by a laser** the reflective layer to form markings on the pits functioning as a track ... wherein the markings form a barcode pattern". Claim 32 is thus not the "same invention" as claim 12.

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Claim 36 of the copending Reissue application includes "a data zone indicating data signals". Claim 31, on the other hand, includes "a data zone having pits" and "portions of the reflective layer being **trimmed by a laser**". Claim 31 is thus not the "same invention" as claim 36.

Claim 37 of the copending Reissue application includes "forming...a data zone indicating data signals". Claim 32, on the other hand, includes "forming a data zone having pits" and "trimming **by a laser** the reflective layer to form markings on the pits functioning as a track". Claim 32 is thus not the "same invention" as claim 37.

Accordingly, Applicants respectfully submit that claims 31 and 32 of this application are not the same inventions as claims 1-12, 36 and 37 of the copending Reissue application and, therefore, are not subject to a rejection in view of double patenting based on U.S.C. 101.

In the event that the Examiner rejects claims 31 and 32 in view of double patenting based on the obviousness kind (non-statutory), Applicants terminally disclaim a patent granted based on this application, and have thus enclosed a terminal disclaimer.

(9)-(10) Section 102 Rejection. The Office rejected claims 31 and 32 as being anticipated by Ikeda. Applicants submit that this rejection is overcome for the reasons set forth below.

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Amended claim 31 now includes the following feature:

- portions of the reflective layer being **trimmed by a laser** forming markings,

Basis for "trimming" the reflective layer may be found, for example, in the specification at column 7, lines 4-7.

Ikeda, cited by the Examiner, discloses in Fig. 1, marks on disk 1. The marks contain pits (Fig. 2) indicating data signals. As understood by Applicants, Ikeda forms a reflective film on top of the pits (marks), so that the pits may be readable by an optical detector. Ikeda first forms the pits (marks) and then forms a reflective layer on top of the pits (marks). Ikeda does **not trim the reflective layer to form a mark**. Moreover, Ikeda does **not trim the reflective layer by a laser**. Ikeda, therefore, does not disclose or suggest the features of claim 31.


Although not the same, claim 32 has been amended to include features similar to claim 31 and, therefore, is not subject to rejection in view of Ikeda for the same reasons set forth for claim 31.

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Reconsideration of claims 31 and 32 is respectfully requested.

Respectfully Submitted,


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Enclosure: Version with markings to show changes made
Substitute Declaration

Attachment of newly added claims 31 and 32 (previously
entered)

Terminal Disclaimer

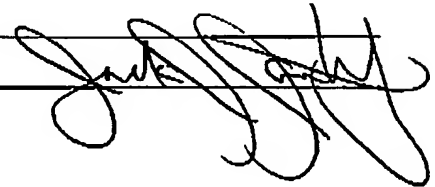
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VERSION WITH MARKINGS TO SHOW CHANGES MADECLAIMS:

31. (Twice Amended) An optical disk comprising:

a data zone having pits indicating data signals readable by light radiation;

a reflective layer formed on the data zone; and

portions of the reflective layer being trimmed by a laser forming markings,

wherein the markings form a barcode pattern indicating information and are formed on the pits functioning as a track on the optical disk.

32. (Twice Amended) A method of manufacturing an optical disk comprising the steps of:

forming, on a substrate, a data zone having pits indicating data signals readable by light radiation;

forming a reflective layer on the data zone; and

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trimming by a laser the reflective layer to form markings on the pits functioning as a track on the optical disk;

wherein the markings form a barcode pattern indicating information.

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Attachment

When first entered by the Office on June 21, 2002, claims 31 and 32 were new claims. The Office Action has requested that these newly added claims be properly shown by underlining the text. Applicants now provide claims 31 and 32 by underlining the text. These claims are identical to newly added claims 31 and 32 filed as a Supplemental Preliminary Amendment on June 21, 2002 (claims 1-30 have been cancelled):

31. (Newly Added) An optical disk comprising:

a data zone having pits indicating data signals readable by light radiation;

a reflective layer formed on the data zone; and

portions of the reflective layer being trimmed forming markings,

wherein the markings form a barcode pattern indicating information and are formed on the pits on a track of the optical disk.

32. (Newly Added) A method of manufacturing an optical disk comprising the steps of:

forming, on a substrate, a data zone having pits indicating data signals readable by light radiation;

forming a reflective layer on the data zone; and

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Attachment

trimming the reflective layer to form markings on the pits on a
track of the optical disk;

wherein the markings form a barcode pattern indicating
information.

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